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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JACK K. STEIN,

11 Petitioner,

12 v.

13 SCOTT FRAKES,

14 Respondent.  
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Case No. C09-5006 RBL

ORDER DIRECTING  
SERVICE AND RETURN,  
§ 2254 PETITION

17 This matter is before the court following the Honorable Ronald B. Leighton's review of  
18 Petitioner's Third Amended Petition (Doc. 133) and the Court's order issued October 26, 2009,  
19 granting Petitioner's request for reconsideration and leave to file the amendments (Doc. 122).

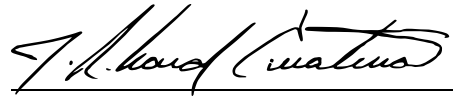
20 Accordingly, the court orders as follows:

21 (l) The clerk shall arrange for service by certified mail upon respondent and the Attorney  
22 General for the State of Washington, copies of the petition (Doc. 133), all documents in support  
23 thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble  
24 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of  
25 this Order, along with a copy of the Court's General Order regarding pro se litigation.  
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1 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an  
2 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District  
3 Courts. As part of such answer, respondent(s) should state whether petitioner has exhausted  
4 available state remedies, whether an evidentiary hearing is necessary, and whether there is any  
5 issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion in place of  
6 an answer without first showing cause as to why an answer is inadequate. Respondent(s) shall  
7 file the answer with the Clerk of the Court and serve a copy of the answer upon petitioner.

8 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon  
9 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after  
10 the answer is filed, petitioner may file and serve a response not later than on the Monday  
11 immediately preceding the Friday appointed for consideration of the matter, and respondent may  
12 file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
13 designated for consideration of the matter.

14 DATED this 9<sup>th</sup> day of November, 2009.

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17 J. Richard Creatura  
18 United States Magistrate Judge  
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